

ESTTA Tracking number: **ESTTA634290**

Filing date: **10/21/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85892272
Applicant	Excelerate Strategic Health Sourcing LLC
Applied for Mark	EXCELERATE
Correspondence Address	COLLEEN FLYNN GOSS FAY SHARPE LLP 1228 EUCLID AVE THE HALLE BUILDING, 5TH FLOOR CLEVELAND, OH 44115 UNITED STATES uspto@faysharpe.com
Submission	Applicant's Motion to Suspend
Attachments	Request for Suspension of Appeal.pdf(9238 bytes)
Filer's Name	Colleen Flynn Goss
Filer's e-mail	uspto@faysharpe.com, cfgoss@faysharpe.com
Signature	/colleenfgoss/
Date	10/21/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	Excelerate Strategic Health Sourcing LLC.
For the Mark	EXCELERATE
Serial No.	85892272
Filing Date	April 1, 2013
Trademark Examiner	Julie Watson
Law Office	109
Last Office Action	August 25, 2014
Attorney Docket No.	CCFT500208US01

REQUEST FOR SUSPENSION OF APPEAL

Applicant, by its attorney, hereby respectfully requests suspension of this appeal pursuant to TBMP §1213 pending the outcome of Reg. No. 3,516,093 for the mark CDH EXCELERATE. This registration is the basis for the Section 2(d) refusal of Applicant's registration, which refusal Applicant is appealing.

Reg. No. 3,516,093 for the mark CDH EXCELERATE issued October 14, 2008. The deadline for filing a Section 8 Declaration was October 14, 2014, with the grace period expiring April 14, 2015. Because the owner of Reg. No. 3,516,093 has not yet taken steps to maintain its registration, and because it is past the fifth anniversary of such registration, Applicant respectfully requests suspension of the appeal. If the cited registrant fails to file the requisite Section 8 Declaration, the basis for the Section 2(d) refusal, and hence the basis for this appeal, will be moot.

Pursuant to TBMP §1213, the Board may suspend an appeal pending a

determination of whether a registration will continue in existence or will instead be cancelled under Section 8 or expire under Section 9. The TBMP specifically states:

If an applicant requests suspension based on the possibility that the cited registration may be cancelled for failure to file an affidavit of continued use, the Board will grant such request if the Board acts on the request after the 5th anniversary of the issue date of the registration.

TBMP § 1213.

Accordingly, it is within the purview of the Trademark Trial and Appeal Board to suspend this appeal pending the outcome of the cited registration.

In the alternative, in the event the Board does not suspend the appeal, Applicant respectfully requests that the Board grant Applicant an additional sixty days in which to file its appeal brief herein.

This request is not made for purposes of delay.

Respectfully submitted,

Fay Sharpe LLP

Date: October 21, 2014

/s/Colleen Flynn Goss

Colleen Flynn Goss
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115
216.363.9000
cfgoss@faysharpe.com
uspto@faysharpe.com